

Application Serial No.: 10/646,192  
Attorney Docket No.: 0260257

### **REMARKS**

This is in response to the *Non-Final* Office Action of May 25, 2010, where the Examiner has rejected claims 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129, 134-169. By the present amendment, applicant has amended claims 30-34 and 41, cancelled claims 4-16, 18-29, 35, 37, 42, 52-59, 61, 63, 72-129 and 134-169, and added new claims 170-177. After the present amendment, claims 30-34, 41 and 170-177 will be pending in the present application. In view of the following remarks, applicant respectfully requests an early notice of allowance for claims 30-34, 41 and 170-177.

#### **A. Rejection of Claim Objection**

The Examiner has objected to the limitation “associate metadata” in claim 30. By the present amendment, claim 30 has been amended to recite “associated metadata.” Accordingly, applicant respectfully submits that the Examiner’s objection to claim 30 and its dependent claims has been overcome.

#### **B. Rejection of Claims 18-22, 80-82 and 109-111 under 35 USC § 112, ¶ 1**

The Examiner has rejected claims 18-22, 80-82 and 109-111, under 35 USC § 112, ¶ 1, as failing to comply with the written description requirement. By the present amendment, applicant has cancelled claims 18-22, 80-82 and 109-111. Accordingly, applicant respectfully submits that the Examiner’s rejection of claims 18-22, 80-82 and 109-111, under 35 USC § 112, ¶ 1, has been rendered moot.

Application Serial No.: 10/646,192  
Attorney Docket No.: 0260257

**C. Rejection of Claims 4-16, 18-35, 37, 41-42, 52-58, 61, 63, 72-97, 101-129, 134-141 and 143-165 under 35 USC § 112, ¶ 2**

The Examiner has rejected claims 4-16, 18-35, 37, 41-42, 52-58, 61, 63, 72-97, 101-129, 134-141 and 143-165, under 35 USC § 112, ¶ 2, as being indefinite. By the present amendment, applicant has cancelled claims 4-16, 18-29, 35, 37, 42, 52-58, 61, 63, 72-97, 101-129, 134-141 and 143-165. Accordingly, applicant respectfully submits that the Examiner's rejection of claims 4-16, 18-29, 35, 37, 42, 52-58, 61, 63, 72-97, 101-129, 134-141 and 143-165, under 35 USC § 112, ¶ 2, has been rendered moot. Further, applicant has amended claims 30-34 and 41 to overcome the Examiner's rejection, under 35 USC § 112, ¶ 2.

**D. Rejection of Claims 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129, 134-169 under 35 USC § 103(a)**

The Examiner has rejected claims 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129, 134-169, under 35 USC § 103(a), as being unpatentable over Hunter, et al. (U.S. Pub. No. 2002/0056118) ("Hunter") in view of Weaver, et al. (U.S. Pub. No. 2002/0015496) ("Weaver"), and further in view of McPherson, et al. (U.S. Pat. No. 6,591,420) ("McPherson").

By the present amendment, applicant has cancelled claims 4-16, 18-29, 35, 37, 42, 52-58, 61, 63, 72-97, 101-129, 134-141 and 143-165. Accordingly, applicant respectfully submits that the Examiner's rejection of claims 4-16, 18-29, 35, 37, 42, 52-58, 61, 63, 72-97, 101-129, 134-141 and 143-165, under 35 USC § 103(a), has been rendered moot.

Also, by the present amendment, applicant has amended independent claim 30 to recite "A method of creating a digital home movie library," where the method comprises:

Application Serial No.: 10/646,192  
Attorney Docket No.: 0260257

receiving movie data at a hardware device, said movie data including a video file, a plurality of audio files each in a different language, and associated metadata, wherein said associated metadata include a language attribute for each of said plurality of audio files;

storing on said hardware device said video file;

filtering said plurality of audio files based on said language attribute for each of said plurality of audio files and a user's selected language stored in said hardware device to select desired one or more of audio files from said plurality of audio files;

storing on said hardware device said desired one or more of audio files; and

discarding one or more of said plurality of audio files other than said desired one or more of audio files.

Applicant respectfully submits that the amendment to independent claim 30 is at least supported by Paragraphs [0194], [0241] and [0242] of the written specification, which provide:

[0194] The LANGUAGE attribute indicates the language for an audio or close captioning file. The set top box preferably retains the audio files of the movie based on the user selected language(s). The set top box should filter audio files for desired languages at reception time. The set top box may receive audio files for many different languages, but only keep the audio file for the user's selected language.

[0241] The user can select the language in which menus are displayed, from the choices of English, French and Spanish, a choice of one only Menu Language.

[0242] The user is able to set a default movie language, as well as to select up to three (the accuracy of this number is TBD) languages in which to store any movie (should that movie be available in that language). However, the user is warned that the more languages that are chosen, the fewer movies may be saved to the set top box due to limited hard disk space.

Applicant respectfully submits that the cited references fail to disclose, teach or suggest receiving movie data at a hardware device, where the movie data includes a video file, a

Application Serial No.: 10/646,192  
Attorney Docket No.: 0260257

plurality of audio files each in a different language, and associated metadata, where the associated metadata include a language attribute for each of the plurality of audio files, such that the hardware device filters the plurality of audio files based on the language attribute for each of the plurality of audio files and a user's selected language stored in the hardware device to select desired one or more of audio files from said plurality of audio files, and then store on the hardware device the desired one or more of audio files, and discard one or more of the plurality of audio files other than the desired one or more of audio files.

Accordingly, claim 30, as amended, is patentably distinguishable over the cited references and should be allowed. Further, independent claim 41 has been amended to include limitations similar to those of claim 30 discussed above. Therefore, independent claims 30 and 41, and their respective dependent claims should be allowed.

RECEIVED  
CENTRAL FAX CENTER

014/014

SEP 09 2010

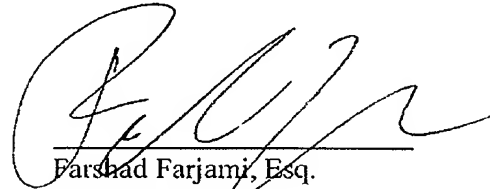
Application Serial No.: 10/646,192

Attorney Docket No.: 0260257

**E. Conclusion**

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 30-34, 41 and 170-177 pending in the present application is respectfully requested.

Respectfully Submitted,  
FARJAMI & FARJAMI LLP



Farshad Farjami, Esq.

Reg. No. 41,014

FARJAMI & FARJAMI LLP  
26522 La Alameda Ave., Suite 360  
Mission Viejo, California 92691  
Telephone: (949) 282-1000  
Facsimile: (949) 282-1002

**CERTIFICATE OF FACSIMILE TRANSMISSION**

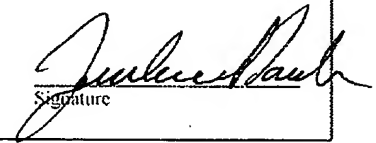
I hereby certify that this correspondence is being filed by facsimile transmission to United States Patent and Trademark Office at facsimile number (571) 273-8300, on the date stated below.

9/9/10

Date

Jenibier Davalos

Name



Signature